IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE V.V.S.RAO**

**WRIT PETITION NO : 10141 of 2005**

Between:

Ismail, s/o.Moinuddin,
Cheelapally village, Jharasangam Mandal,
Medak Dist.

**..... PETITIONER**

AND

1 Joint Collector,
Medak at Sangareddy .
2 Revenue Divisional Offiecer,
Sangareddy, Medak Dist.
3 Prem Singh, s/o. Khybha Naik,
Sarpanch, Grampanchayat Cheelapally.
4 Yousuf Ali, s/o. Shaik Moiuddin Majar,
Upa Sarpanch, Grampanchayat Cheelapally.
5 D.Pathru Bee, W/o.Chand Pasha Majar,
Chairman, School Education Committee, Cheelapally.
Respondents 3 to 5 are r/o Cheelapally (V), Jharasangam Mandal,

Medak District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or writ more particularly one in the nature of writ of Mandamus declaring the action of the respondent no.1 in passing the impugned order dt.20-4-1995 in CS.A/15/A/2005 as wholly arbitrary, illegal bad in law and opposed to principles of natural justice and pass such other order or orders as this Hon'ble Court deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.CHILUMALA PRATAP REDDY**

**Counsel for the Respondent Nos.1 and 2: GP FOR CIVIL SUPPLIES**

**Counsel for Respondent Nos.3 and 4: MR. H.VENU GOPAL**

**The Court made the following :**

**ORDER:**

The petitioner is a fair price shop dealer of Cheelapally Village. On a complaint given by the villagers, his authorization was suspended by an order, dated 16.03.2005. Aggrieved by the same, the petitioner preferred an appeal under Clause 20 of the A.P.State Public Distribution System Control Order, 2001. The appellate authority, the first respondent herein, initially stayed the orders of the Revenue Divisional Officer by order, dated 30.03.2005. By impugned order, dated 20.04.2005, the same was vacated. Aggrieved by which, the present writ petition is filed. Though the interlocutory matters are listed, the main writ petition is being disposed of by this order.

A reading of the impugned order, in support of the contention by the learned counsel for the petitioner, would reveal that the same came to be passed without giving a notice of hearing to the petitioner while vacating the interim orders. Needless to say that the petitioner has a right to enjoy the interim order passed by the first respondent till it is vacated after notice to him. In the absence of such notice, the impugned order cannot be sustained.

Be that as it is, the appeal is still pending before the first respondent and therefore, instead of keeping the matter pending, the writ petition is disposed of directing the first respondent to pass appropriate orders on the appeal filed by the petitioner within a period of two weeks from the date of receipt of a copy of this order. Till the disposal of the appeal, the petitioner shall be continued as the fair price shop dealer, subject to the condition that he shall sell the essential commodities at prescribed/specified prices and he will not resort to black-marketing.

The writ petition, with the above observation, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

27.06.2005

vs

To

1 Joint Collector,
Medak at Sangareddy .
2 Revenue Divisional Offiecer,
Sangareddy, Medak Dist.
3 Two CCs to the G.P for Civil Supplies, High Court of A.P.,

Hyderabad(O.U.T).

4 2 CD copies